

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

**R. DALE MITCHELL,**

**Plaintiff**

**v.**

**UBS SERVICES USA LLC**

**Defendant**

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**Civil Action No. 07-1651(KSH)**

**O R D E R**

**THIS MATTER** having come before the Court for a telephone hearing on April 9, 2009;  
and the Court having considered the application to amend the Complaint and opposition  
thereto;

and the Court having considered the record of proceedings and the arguments and  
representations of the parties;

and for the reasons set forth on the record on April 9, 2009;

and for good cause shown,

IT IS ON THIS 9<sup>th</sup> day of April, 2009

ORDERED THAT:

1. Unless and until counsel enters an appearance on plaintiff's behalf, the plaintiff shall  
be deemed to be proceeding pro se and the Clerk shall update the docket to reflect the following  
contact information: R. Dale Mitchell, c/o Vanguard Integrity, 6625 Southeastern Avenue, Las  
Vegas, Nevada 89119, Telephone No.: 702-794-0014.

2. The plaintiff's request for leave to file an Amended Complaint is denied.

3. Any pro se litigant shall serve on counsel for all parties and any other pro se litigant a copy of every pleading or other document submitted to the Court and shall include with any such pleading or document filed with the Court a certificate of service, which shall recite what pleading or document is being served and the date of service. The Court may disregard any pleading not properly filed or document that the Court receives which fails to include such a certificate of service

5. On or before **May 11, 2009**, plaintiff shall submit a narrative written statement of the facts that will be offered by oral or documentary evidence at trial, a list of all exhibits to be offered into evidence at trial, and a list of the names and addresses of all witnesses plaintiff intends to call at trial, together with a summary of their anticipated testimony. Plaintiff shall submit an original and one copy of all the above to the Undersigned and shall serve a copy on counsel for all other parties and any other pro se litigant. An original and one copy shall be submitted to the Undersigned and include with the submission a certificate of service, a copy shall be served on plaintiff(s) and all other parties.

6. On or before **May 26, 2009**, each other party shall submit to the Undersigned an original and one copy of a narrative written statement of the facts that will be offered by oral or documentary evidence at trial, a list of all exhibits to be offered into evidence at trial, and a list of the names and addresses of all witnesses it intends to call at trial, together with a summary of their expected testimony. A copy shall be served on plaintiff and all other parties.

7. Failure to fully disclose in the written narrative statement the substance of the evidence to be offered at trial will result in exclusion of that evidence at trial. The only exceptions will be (a) matters which the Court determines were not discoverable at the time of preparation of the pretrial statement, and (b) matters to be used solely for impeachment purposes.

8. A Final Pretrial Order, incorporating the written submissions of all parties, shall be filed on or after **June 1, 2009**.

9. Failure to appeal to the District Court from any order issued by the Undersigned, see Local Civil Rule 72.1(c)(1) may preclude the aggrieved party from securing judicial review of that order on appeal to the Third Circuit court of Appeals from a final judgment or order.

10. All parties shall advise the Clerk of the Court in writing of any change of address within 15 days of said change of address.

11. **FAILURE TO COMPLY WITH THE TERMS OF THIS ORDER MAY  
RESULT IN SANCTIONS.**

**s/Patty Shwartz**  
**United States Magistrate Judge**